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6 Attorneys for BENAVIDES-MUNOZ

7 UNITED STATES DISTRICT COURT

8 DISTRICT OF NEVADA

9 UNITED STATES OF AMERICA,

10 Plaintiff,

11 vs.

12 OCTAVIO BENAVIDES-MUNOZ,

13 Defendant.
14

2:12-cr-379-LRH-VCF

MOTION TO DISMISS INDICTMENT
WITH PROPOSED ORDER

(First Request)

15 COMES NOW, appointed counsel, Raquel Lazo, Assistant Federal Public Defender, hereby
16 moves this Court to dismiss the Indictment with Proposed Order.

17 1. On January 3, 2013 the defendant entered a superseding misdemeanor plea to unlawful
18 entry into the United States in violation of 8 USC § 1325(a)(1) and was sentenced. At the hearing,
19 government counsel moved to have the underlying felony indictment dismissed. Magistrate Judge
20 Cam Ferenbach granted the motion.

21 2. Client hereby moves to have the Indictment dismissed.

22 DATED this 8th day of January, 2013.

23 RENE L. VALLADARES
Federal Public Defender

/s/ Raquel Lazo

By: RAQUEL LAZO
Assistant Federal Public Defender

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
JAN 24 2013	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY: <u>DBN</u>	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

OCTAVIO BENAVIDES-MUNOZ,

Defendant.

2:12-cr-379-LRH-VCF

ORDER

IT IS HEREBY ORDERED that the Indictment be DISMISSED.

DATED 23rd day of January, 2013.


UNITED STATES DISTRICT JUDGE

CERTIFICATE OF ELECTRONIC SERVICE

The undersigned hereby certifies that she is an employee of the Law Offices of the Federal Public Defender for the District of Nevada and is a person of such age and discretion as to be competent to serve papers.

That on January 8, 2013, she served an electronic copy of the above and foregoing **MOTION TO DISMISS INDICTMENT WITH PROPOSED ORDER** by electronic service (ECF) to the person named below:

DANIEL BOGDEN
United States Attorney
333 Las Vegas Blvd. So., 5th Floor
Las Vegas, Nevada 89101
ROBERT A. BORK
Assistant United States Attorney
333 Las Vegas Blvd. So. 5th Floor
Las Vegas, NV 89101

/s/ Maribel Bran

Employee of the Federal Public Defender